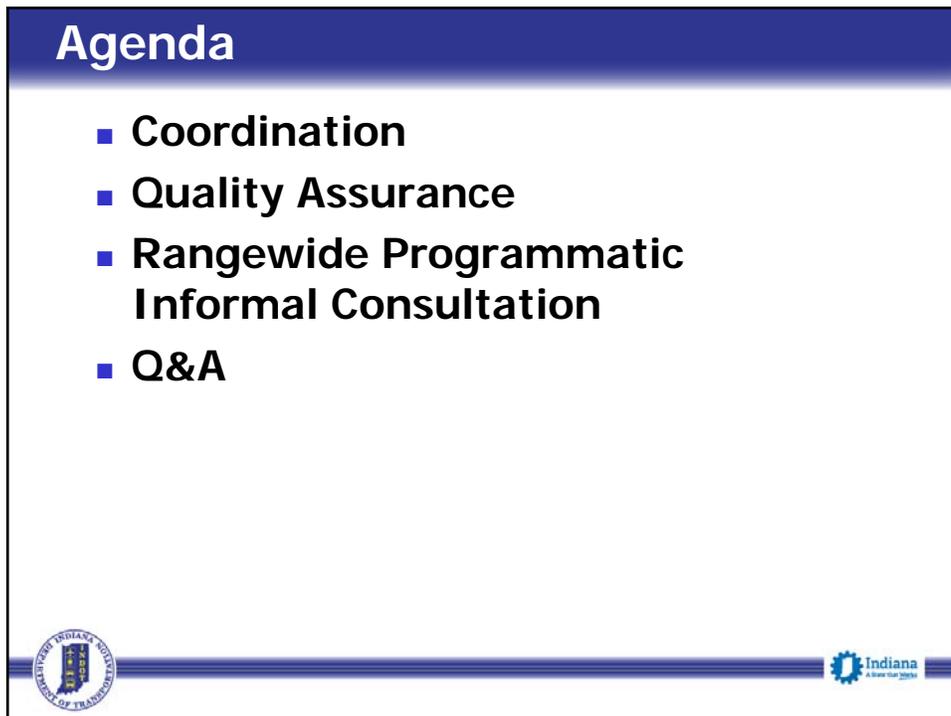


2016 NEPA Refresher

INDOT Environmental Services Division
June 16, 2016



Agenda

- **Coordination**
- **Quality Assurance**
- **Rangewide Programmatic Informal Consultation**
- **Q&A**



Coordination and Quality Assurance

2016 NEPA Refresher

Susan Harrington, NEPA Document Review Team Lead

June 16, 2016



Electronic Coordination

Early Coordination Letters

- Provide a good project description
- State clearly if federal funding will be utilized
- Preference is for letters to be on letterhead of the project sponsor and give contact information of the project sponsor, as well as the consultant
- Use clear and correctly labeled graphics
- Consider necessary level of detail in topographic maps and aerial maps



Electronic Coordination

■ U.S. Fish & Wildlife Service Consultation

- Interim Policy: In May 2013, an interim policy was provided to INDOT by the USFWS. If a project meets the criteria of the interim policy, the appropriate USFWS guidance dated May 29, 2013 may be implemented and no additional coordination with the USFWS may be necessary.
 - However, for the Indiana bat and northern long-eared bat, a separate process will be required called the rangewide programmatic informal consultation which will be discussed later.



Electronic Coordination

■ Early coordination letters can be sent to the U.S. Fish and Wildlife Service electronically.

- Bloomington Indiana Field Office
robin_mcwilliams@fws.gov
- Northern Indiana Sub Office
elizabeth_mccloskey@fws.gov



*Please note early coordination letters should be no larger than 15 MB.



Electronic Coordination

- **Early coordination letters can be sent to the appropriate FHWA environmental specialist:**
 - Michelle Allen – Vincennes and Seymour Districts
michelle.allen@dot.gov
 - Robert Dirks– Crawfordsville and Greenfield Districts
Robert.Dirks@dot.gov
 - Joyce Newland – LaPorte and Fort Wayne Districts
Joyce.Newland@dot.gov



Electronic Coordination

- **Additional agencies that request early coordination letters electronically are as follows:**
 - Indiana Geological Survey
IGSenvir@indiana.edu
 - INDOT - Office of Aviation
jkinder2@indot.in.gov
 - IDNR – Division of Fish and Wildlife
environmentareview@dnr.in.gov



Electronic Coordination

The IDEM automatic early coordination letter can be accessed through the IDEM website. Links to the websites are available at:

<http://www.in.gov/indot/2523.htm>

Please remember that the IDEM early coordination response should be signed.



Electronic Coordination

- When sending early coordination to INDOT, send electronically whenever possible.
- Contacts for each district are listed on the INDOT web page:
 - <http://www.in.gov/indot/2527.htm>



Electronic Coordination

NEW!

Red Flag Investigation (New Layer-UAB)

- If the Red Flag Investigation identifies that the project area is within an Urbanized Area Boundary (UAB)
 - Coordination with the appropriate Municipal Separate Storm Sewer System (MS4) will be needed.
 - Current MS4 entities currently permitted are located at the following hyperlink:
<http://www.in.gov/idem/stormwater/2404.htm>
- Guidance will be provided on the list serve and will be provided on the INDOT Environmental Services Division website soon. (July 2016)



Quality Assurance

- The INDOT NEPA review/approval process tends to go more smoothly when the document preparers perform quality assurance (QA) activities prior to document submittal.
- While each project is different, there are some common INDOT ES comments that can be anticipated and corrections can be made prior to the first round of INDOT review.



Quality Assurance

- Consider reader-friendly explanations of technical terminology
- Spell out all acronyms upon first use.
- Use specific page numbers in text that references items in the appendices.
- Include all applicable information from agency early coordination responses in the text of the document.
- Include clear legend and north arrow for all maps.
- Make sure all text is legible in appendices.



Rangewide Programmatic Informal Consultation

NEPA Refresher Module
Laura Hilden, Director of Environmental Services
June 16, 2016



Materials for this discussion

- USFWS's main information page, including scoping worksheet and project information form:

www.fws.gov/midwest/endangered/section7/fhwa/index.html,

- User's Guide:

www.fws.gov/midwest/endangered/section7/fhwa/pdf/UserGuideUpdated020916.pdf

- INDOT implementation package:

www.in.gov/indot/files/Bat_Informal_FHWA-USFWS_Package_050316.pdf



It applies to

- Indiana bats, *Myotis sodalis*, which are endangered statewide.
- Northern long-eared bats, *Myotis septentrionalis*, which are threatened statewide.



What is it?

- **A programmatic consultation approach:**
 - Proponent performs guided analysis of project impacts
 - Identifies projects that are May Affect-Not Likely to Adversely Affect (MA-NLAA)
 - Imposes specific avoidance and minimization measures as firm commitments on those projects
- **I'm going to abbreviate this as "the RPIC" for this presentation (but no one else calls it that).**



Where did it come from?

- **A program-wide biological assessment by Federal Highway Administration and the Federal Railway Administration**
- **Approved by a concurrence letter from USFWS to FRA and FHWA in April 2015.**



What is it not?

- It's not a programmatic *agreement*—there's no single document signed by all parties.
- It's not the best fit for every project.
- It's not the only way to conduct consultation on these species.



Procedural Fit

- The RPIC replaces INDOT and FHWA's previous interim informal process of asking the USFWS for their evaluation of the project's effects on Indiana bats and northern long-eared bats during early coordination.
- The RPIC is a separate process for these two species.



What projects are affected?

- All projects are subject to the requirement of the Endangered Species Act.
- Preparers can attempt to apply the RPIC to any project.
- Projects that could have avoidance and minimization measures are likely to have:
 - nearby forest habitat
 - bridges and culverts
 - building demolitions



What are the risks?

- The risk is that bats are in the project area and/or using bridges, culverts, or demo buildings.
- The *bad* risk that there will be prohibition of work while the bats are active.
- The *worse* risk is not knowing until RFC or later.
- Manage risk by knowing your bat status early
 - either incorporate the AMMs in the project or
 - pursue another consultation approach (which will take longer, so plan for it)



Bats under bridges!



Documentation

- **Complete scoping worksheet for file**
 - Leads preparer through the analysis based on existing information
 - Recommended for every project for now
- **USFWS Project Information Form**
 - For projects that are May Affect/Not Likely to Adversely Affect (MA/NLAA)
- **Discuss in NEPA document**
- **Add AMMs to commitments database if required.**



Existing information sources

- **About the project work and timing: project manager and scope**
- **About the habitat: desktop survey of aerials**
- **About the structures:**
 - BIAS for bridges
 - Culvert inventory for culverts
 - Plans for demolitions
- **About USFWS bat observations: ESD at time of red flag investigation**



What if information is missing?

- **If information is missing, we have a not-great choice between**
 - Assuming bats, which might lead to restrictive AMMs,
 - or
 - Conducting a field investigation, which takes time and will probably add cost.



Recommended approach

1. At Red Flag Investigation

- Check databases
 - Bats
 - No Bats
 - Inconclusive
- Record presence of forest near the project area.



Recommended approach

2. At Early Coordination

- Recheck databases for bats/no bats/inconclusive, since there may be new data
- Desktop survey to characterize forested areas
- USFWS scoping worksheet to determine applicability of programmatic and need for informal consultation
- If MA-NLAA, complete USFWS Project Information Form and provide to ESD for coordination with USFWS



Outcomes of Field Investigations

	Field Investigation: No Bat Signs	Field Investigation: Bats or Signs of Bats
Historical Data: Bat signs present	Risk management: Check again before construction	Confirmed present: Follow USFWS requirements
Historical Data: No bat signs	Confirmed absent	Confirmed present: Follow USFWS requirements
Historical Data: No data--Inconclusive	Risk management: Check again before construction	Confirmed present: Follow USFWS requirements



Communication

- **Preparers should talk to PMs about**
 - Project features
 - Project schedule
 - Likely AMMs and their consequences
- **Preparers should talk to INDOT environmental staff about**
 - Any interpretive questions in the scoping worksheet
 - Any project that seems to require AMMs.
 - Any interpretive questions in the USFWS Project Information Form, and our office's resulting coordination with USFWS.



Odds and ends

- **What is suitable summer habitat?**
 - Defined in Summer Survey Guidance
- **Who is qualified to do a field investigation?**
 - We've told USFWS that we will allow habitat to be assessed by those who prequalify for ecological investigations
 - At this point, any field staff person who has passed the INDOT course "Bat Investigations for Field Personnel" can search for bats in bridges, culverts, and buildings.



Odds and ends

- **Bat Class**
 - Our office is developing an online INDOT University course about how to look for live bats and signs of bat use on bridges, culverts, and buildings.
 - Currently in pilot testing.
 - Expect to have it available to the practice community by mid-July—we'll announce it on the listserve.



Odds and ends

- **Errors:** In the scoping worksheet, there are places where “any” and “all” are incorrect.
 - First step is to apply common sense—USFWS’s priority is to protect bats.
 - We will have a corrected version available soon and announced it on the listserve.
 - Call us if you’re confused or find other errors
- **Recoordination:** If you have a existing set of IB or NLEB requirements that would not be in place under the RPIC, call me.



Questions?

- **Now: use the webinar chat pod!**
- **Later:**
 - Laura Hilden lhilden@indot.in.gov
 - Ron Bales rbales@indot.in.gov
 - Marlene Mathas mmathas@indot.in.gov

